

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{2}$ Gallon," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained $\frac{1}{2}$ gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained $\frac{1}{2}$ gallon net thereof, whereas, in truth and in fact, each of said cans did not contain $\frac{1}{2}$ gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**9066. Adulteration and misbranding of canned tomatoes. U. S. * * *
v. 620 Cases of Canned Tomatoes * * *. Product released on
bond. (F. & D. No. 12424. I. S. No. 184-r. S. No. E-2081.)**

On April 26, 1920, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 620 cases of canned tomatoes, consigned by the D. T. Roberts Co., Vienna, Md., October 2, 1919, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Dot Brand Tomatoes * * * Packed By Winfield Webster & Co. Main Office: Vienna, Md."

Adulteration of the article was alleged in the libel for the reason that added water and pulp had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the article.

It was alleged in substance that the article was misbranded for the reason that the words and figures declared and printed upon the labels, cans, packages, and cases, that is to say, the word "Tomatoes," and the picture of a red ripe tomato thereon, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, or offered for sale under the distinctive name of, another article.

On October 8, 1920, the case having come on for final disposition, upon motion of Winfield Webster & Co., the claimant for the goods, it was ordered by the court that upon the execution and delivery of a good and sufficient bond in the sum of \$2,000, by Thomas Roberts & Co., of Philadelphia, Pa., in conformity with section 10 of the act, conditioned in part that the product be relabeled "Tomatoes and Pulp with 15% added water," the product might be delivered to said Thomas Roberts & Co.

E. D. BALL, *Acting Secretary of Agriculture.*

**9067. Misbranding of Tonoline Tablets. U. S. * * * v. 6 Dozen Pack-
ages of * * * Tonoline Tablets. Default decree of condemna-
tion, forfeiture, and destruction. (F. & D. No. 13326. I. S. No. 10364-t.
S. No. W-663.)**

On or about August 16, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the